IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 33649 of 2007(E)

PETITIONER:

CHACKO, AGED 54 YEARS, S/O. JOSEPH,
PALLICKAL HOUSE, KUNNAPPILLYSSERY, PULIYANAM P.O.,
PIN-683 572, (VIA) ANGAMALY, ALUVA,
ERNAKULAM DISTRICT.

BY ADV. SRI.K.S.BABU

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   THE CHIEF SECRETARY TO GOVERNMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DISTRICT COLLECTOR,**
   ERNAKULAM, CIVIL STATION BUILDING, KAKKANAD,
   KOCHI-30.

3. **THE DEPUTY TAHSILDAR (R.R.),**
   ALUVA TALUK, ALUVA.

4. **THE VILLAGE OFFICER,**
   PARAKKADAVU VILLAGE, ALUVA TALUK.

BY GOVERNMENT PLEADER SRI.MATHEW VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO. 33649 of 2007

Dated this the 15th day of November, 2007

JUDGMENT

Petitioner's son, Prabeesh died on 29.8.2000 due to electrocution. Claiming damages, the petitioner instituted an O.P. (indigent) No. 2/2003 in the Sub Court, Ernakulam against the Electricity Board and the employer of the deceased. The petitioner was permitted to prosecute the suit as an indigent person and O.S.678/2003 came to be decreed as per Ext.P1 holding the Electricity Board and the employer of the deceased liable to pay the compensation. The compensation apparently has been apportioned between the Electricity Board on one hand and the party defendants on the other. The 4th defendant in the suit has filed an appeal before this Court as RFA 237/2007. The same is pending. It is not known whether the Electricity Board also has filed any appeal so far. At the time when the suit was decreed, the Court had apparently intimated the District Collector regarding recovery of the court fee. Pursuant there to Exts.P2 and P3 notices have been issued seeking to recover an amount of Rs.48,400/=with interest and recovery charges from the petitioner. It is in these circumstances, the petitioner has approached this court.

2. It is seen from Ext.P1 that the suit has been decreed with costs and therefore the liability of court fee will have to be borne by the defendants. In the circumstances, after hearing the learned Government Pleader also, the writ petition is disposed of in the following terms:

1) Further proceedings in pursuance of Exts.P2 and P3 shall be kept in abeyance for six months from today. In the meanwhile, if the Electricity Board files an appeal against Ext.P1 decree, the petitioner may make an appropriate motion before the Appellate Court in the matter of deposit of the court fee.

2) If no appeal is filed by the Electricity Board, petitioner may take appropriate steps by executing the decree to see that the amount payable by the defendants is deposited in court so as to satisfy the demand of court fee as such.

V. GIRI, JUDGE

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